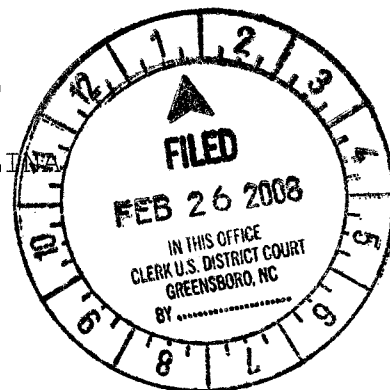


IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



UNITED STATES OF AMERICA

v.

BARION LEE HAIRSTON,  
also known as "Big Daddy"  
LAVEL MYNER BEST,  
also known as "Vel"

1:08CR 60 -1

1:08CR 60 -2

The Grand Jury charges:

COUNT ONE

On or about June 22, 2007, in the County of Rowan, in the Middle District of North Carolina, BARION LEE HAIRSTON, also known as "Big Daddy," having three previous convictions in any court for a violent felony or a serious drug offense, or both, committed on occasions different from one another, that is, having been convicted on June 13, 2003, in the District Court of Rowan County, Salisbury, North Carolina, of crimes punishable by imprisonment for a term exceeding one year, that is, habitual misdemeanor assault (two counts), and having been convicted on August 22, 1985, in the Superior Court of Rowan County, Salisbury, North Carolina, of a crime punishable by imprisonment for a term exceeding one year, that is, breaking or entering, and having been convicted on August 31, 1981, in the Superior Court of Rowan County, Salisbury, North Carolina, of crimes punishable by imprisonment for a term exceeding one year, that is, breaking or entering and attempted robbery, knowingly did possess in commerce and affecting commerce firearms,

that is, a Taurus .38 caliber revolver, serial number 722380; a Remington 16 gauge shotgun, model 870, serial number 293406W; and a Marlin .22 LR caliber rifle, model 60, serial number 97469587; in violation of Title 18, United States Code, Sections 922(g)(1) and 924(e).

#### COUNT TWO

On or about June 25, 2007, in the County of Rowan, in the Middle District of North Carolina, BARION LEE HAIRSTON, also known as "Big Daddy," knowingly possessed a firearm, that is, a shotgun, having a barrel of less than 18 inches in length, which had not been registered to him in the National Firearms Registration and Transfer Record as required by Title 26, United States Code, Section 5841; in violation of Title 26, United States Code, Sections 5861(d) and 5871.

#### COUNT THREE

On or about August 29, 2007, in the County of Rowan, in the Middle District of North Carolina, LAVEL MYNER BEST, also known as "Vel," having been convicted on November 29, 2005, in the Superior Court of Rowan County, Salisbury, North Carolina, of a crime punishable by imprisonment for a term exceeding one year, that is, assault with a deadly weapon inflicting serious injury, knowingly did possess in commerce and affecting commerce a firearm, that is, a Smith and Wesson .357 caliber revolver, model 19-5, serial number

194K032; in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT FOUR

On or about September 14, 2007, in the County of Rowan, in the Middle District of North Carolina, LAVEL MYNER BEST, also known as "Vel," having been convicted on November 29, 2005, in the Superior Court of Rowan County, Salisbury, North Carolina, of a crime punishable by imprisonment for a term exceeding one year, that is, assault with a deadly weapon inflicting serious injury, knowingly did possess in commerce and affecting commerce a firearm, that is, a Star .22 caliber revolver, serial number 592330; in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT FIVE

On or about September 25, 2007, in the County of Rowan, in the Middle District of North Carolina, BARION LEE HAIRSTON, also known as "Big Daddy," having three previous convictions in any court for a violent felony or a serious drug offense, or both, committed on occasions different from one another, that is, having been convicted on June 13, 2003, in the District Court of Rowan County, Salisbury, North Carolina, of crimes punishable by imprisonment for a term exceeding one year, that is, habitual misdemeanor assault (two counts), and having been convicted on August 22, 1985, in the Superior Court of Rowan County, Salisbury, North Carolina, of a crime punishable by imprisonment for a term exceeding one year,

that is, breaking or entering, and having been convicted on August 31, 1981, in the Superior Court of Rowan County, Salisbury, North Carolina, of crimes punishable by imprisonment for a term exceeding one year, that is, breaking or entering and attempted robbery, knowingly did possess in commerce and affecting commerce a firearm, that is, a Harrington and Richardson .22 caliber revolver, model 660, serial number V25343; in violation of Title 18, United States Code, Sections 922(g)(1) and 924(e).

COUNT SIX

On or about September 25, 2007, in the County of Rowan, in the Middle District of North Carolina, BARION LEE HAIRSTON, also known as "Big Daddy," knowingly did sell and otherwise dispose of a firearm, that is, a Harrington and Richardson .22 caliber revolver, model 660, serial number V25343, to a person, knowing and having reasonable cause to believe that said person had been convicted of a crime punishable by imprisonment for a term exceeding one year, in violation of Title 18, United States Code, Sections 922(d)(1) and 924(a)(2).

COUNT SEVEN

On or about October 22, 2007, in the County of Rowan, in the Middle District of North Carolina, LAVEL MYNER BEST, also known as "Vel," willfully, knowingly, intentionally and unlawfully did possess with intent to distribute 5.8 grams (net weight) of a mixture and substance containing a detectable amount of cocaine

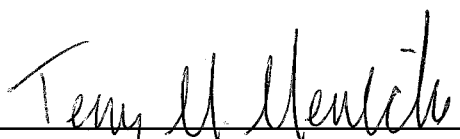
base ("crack"), a Schedule II, controlled substance within the meaning of Title 21, United States Code, Section 812; in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

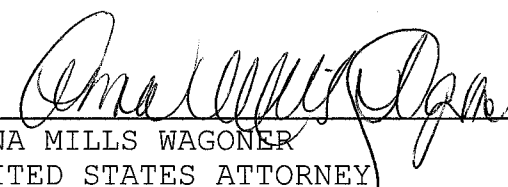
COUNT EIGHT

On or about November 7, 2007, in the County of Rowan, in the Middle District of North Carolina, LAVEL MYNER BEST, also known as "Vel," willfully, knowingly, intentionally and unlawfully did possess with intent to distribute 8.2 grams (net weight) of a mixture and substance containing a detectable amount of cocaine base ("crack"), a Schedule II, controlled substance within the meaning of Title 21, United States Code, Section 812; in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

A TRUE BILL:

~~FOREPERSON~~

  
TERRY M. MEINECKE  
ASSISTANT UNITED STATES ATTORNEY

  
ANNA MILLS WAGONER  
UNITED STATES ATTORNEY